

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

JIM MAXWELL and KAY MAXWELL,
individually and as guardians of TREVER
ALLEN BRUCE and KELTEN TANNER
BRUCE; and JIM MAXWELL, as
executor of the ESTATE OF KRISTIN
MARIE MAXWELL-BRUCE,

Plaintiffs,

v.

COUNTY OF SAN DIEGO; ALPINE
FIRE PROTECTION DISTRICT;
DEPUTY LOWELL BRYAN "SAM"
BRUCE; GREGORY REYNOLDS;
ANTHONY SALAZAR; M. KNOBBE,
JEFFREY JACKSON; WARREN VOTH;
GARY KNEESHAW; WILLIAM
REILLY; L. RODRIGUEZ; BRIAN
BOGGELN; COLBY ROSS; CHIP
HOWELL; MICHAEL MEAD;
BRADLEY AVI; JEREMY FELBER;
DOES 9-25 San Diego County Employees;
and DOES 32-100,

Defendants.

No. 07-cv-2385-JAH(JLB)

FINAL JUDGMENT

As to defendants Viejas Fire Department and employees Bradley Avi and Jeremy Felber, the motion of defendant Viejas Fire Department to dismiss plaintiffs' complaint (Doc. 1) on sovereign immunity grounds was granted on January 3, 2008. (Doc. 21.) The motion of defendants Bradley Avi and Jeremy Felber to dismiss plaintiffs' first

1 amended complaint (Doc. 56) on sovereign immunity grounds was granted on October
2 16, 2009. (Doc. 124.) On September 4, 2010, plaintiffs' motion to enter partial final
3 judgment in favor of the Viejas Fire Department, Bradley Avi and Jeremy Felber
4 pursuant to Fed. Rules of Civ. Proc., Rule 54(b) was granted to allow plaintiffs to
5 immediately appeal the judgments in favor of those defendants. (Doc. 179.) On
6 February 14, 2013, the Ninth Circuit Court of Appeals affirmed the order dismissing the
7 Viejas Fire Department as a defendant but reversed judgment in favor of Bradley Avi and
8 Jeremy Felber as defendants and remanded as to those defendants. See *Maxwell v.*
9 *County of San Diego, et al.*, United States Court of Appeals for the Ninth Circuit, Case
10 No. 10-56671, Doc. 10-1, pp. 1-2 (*Opening Brief of the Plaintiffs-Appellants*) and Doc.
11 46-1, pp. 22-24 (Ninth Circuit Court of Appeal *Orders And Opinion*, dated February 14,
12 2013). After remand from the Ninth Circuit Court of Appeals, the motion for summary
13 judgment by defendants Bradley Avi and Jeremy Felber was granted on October 25,
14 2013. (Doc. 237.)

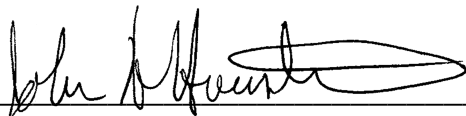
15 As to defendants Alpine Fire Protection District, Brian Boggeln, Colby Ross, Chip
16 Howell, and Michael Mead, their motion for summary judgment was granted on October
17 5, 2010. (Doc. 183.)

18 As to defendants County of San Diego, Gregory Reynolds, Anthony Salazar, M.
19 Knobbe, Jeffrey Jackson, Warren Voth, Gary Kneeshaw, William Reilly and L.
20 Rodriguez, on October 5, 2010, their motion for summary judgment was granted in part
21 and denied in part. (Doc. 183.) On April 7, 2015, a jury was impaneled for trial. (Doc.
22 370.) On April 27, 2015, motions by defendants Gregory Reynolds, Anthony Salazar, M.
23 Knobbe, Jeffrey Jackson, Warren Voth, Gary Kneeshaw, William Reilly and L.
24 Rodriguez for judgment as a matter of law were denied. (Doc. 397.) On May 1, 2015,
25 plaintiffs' motion for judgment as a matter of law was granted in part and denied in part.
26 (Doc. 411.) On May 7, 2015, the jury retired to deliberate. (Doc. 430.) On May 11,
27 2015, the jury returned a unanimous verdict against all plaintiffs on all claims submitted
28 to it. (Doc. 433.) Jurors were then polled by the clerk, and the jury was discharged.

1 As to defendants Lowell Bryan “Sam” Bruce and fictitiously-named “Doe”
2 defendants, no appearances have been entered on their behalf, and no claims against them
3 were preserved in the Pretrial Order filed on March 10, 2014. (Doc. 254.)

4 Now, therefore, it is ORDERED, ADJUDGED AND DECREED that plaintiffs
5 take nothing against defendants County of San Diego, Gregory Reynolds, Anthony
6 Salazar, M. Knobbe, Jeffrey Jackson, Warren Voth, Gary Kneeshaw, William Reilly, L.
7 Rodriguez, Alpine Fire Protection District, Brian Boggeln, Colby Ross, Chip Howell,
8 Michael Mead, Bradley Avi, and Jeremy Felber, that those defendants recover their costs,
9 and that non-appearing defendants Lowell Bryan “Sam” Bruce and fictitiously-named
10 “Doe” defendants are dismissed. This judgment disposes of all remaining undismissed
11 claims against all remaining undismissed defendants.

12 DATED: June 2, 2015

13 A handwritten signature in black ink, appearing to read 'John A. Houston', is written over a horizontal line.

14 JOHN A. HOUSTON
15 United States District Judge
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